

THE FOLLOWING GREENWOOD COMMON COUNCIL RESOLUTION WAS INTRODUCED AT THE JUNE 19, 2006, MEETING, WITH FIRST READING AT THE JULY 5, 2006, MEETING, A REQUEST FOR SUSPENSION OF RULES TO BE MADE AT THE JULY 5, 2006 MEETING FOR SECOND READING. **PLEASE NOTE THIS RESOLUTION IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED RESOLUTION PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 06-12

A RESOLUTION OF THE GREENWOOD COMMON COUNCIL WAIVING NONCOMPLIANCE OF ARBONNE INTERNATIONAL, LLC REGARDING THE SUBMISSION OF A COMPLETED STATEMENT OF BENEFITS - PERSONAL PROPERTY FORM PRIOR TO THE INSTALLATION OF NEW EQUIPMENT FOR WHICH ARBONNE INTERNATIONAL DESIRES PROPERTY TAX DEDUCTION

WHEREAS, Arbonne International, LLC submitted an Application for Personal Property Tax Abatement ("Application") for certain logistical distribution and information technology equipment with the City of Greenwood ("City") on June 15, 2006, which Application included a completed Statement of Benefits - Personal Property form ("SB-1 / PP"); and

WHEREAS, I.C. 6-1.1-12.1-4.5(b) requires an applicant for personal property tax deduction to submit a completed SB-1 / PP form to the Common Council before the installation of new logistical distribution and information technology equipment; and

WHEREAS, prior to June 15, 2006 and the submission of its Application and SB-1 / PP to the City, Arbonne International had begun installing the logistical distribution and information technology equipment that is the subject of the Application and SB-1 / PP; and

WHEREAS, pursuant to I.C. 6-1.1-12.1-11.3, the designating body may waive the Applicant's failure to timely comply with the SB - 1 /PP submittal requirements of I.C. 6-1.1-12.1-4.5 upon conducting a public hearing on the waiver; and

WHEREAS, it has been determined that the failure of Arbonne International, LLC to timely submit the SB-1 / PP form prior to the installation of its new equipment was not intentional; and

WHEREAS, it has been determined that it is in the best interest of the City to waive Arbonne International, LLC's failure to timely comply with the SB-1 / PP submittal requirements of I.C. 6-1.1-12.1-4.5 and to consider its Application for Personal Property Tax Abatement; and

WHEREAS, the Common Council sent notice to Arbonne International, LLC notifying it of, and advertised in accordance with I.C. 5-3-1, the date, time and place of a hearing to receive information and further consider the matter of waiving Arbonne International, LLC's failure to comply with the SB-1 / PP submittal requirements prior to the installation of equipment; and

WHEREAS, in accordance with I.C. 6-1.1-12.1-11.3, after conducting a public hearing, receiving information from Arbonne International, LLC and other interested parties, it is hereby determined that the submittal of a completed SB-1 / PP form by Arbonne International, LLC prior to the installation of new equipment as required by law be waived,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA THAT:

Section 1. The Common Council hereby finds that Arbonne International, LLC did not submit to the City a completed SB-1 / PP form prior to installing new logistical distribution and

information technology equipment as required by I.C. 6-1.1-12.1-4.5; however, the Common Council finds that it received the completed SB – 1 / PP form prior to action by the Greenwood Redevelopment Commission and the Common Council on Arbonne International, LLC’s Application for Tax Abatement.

Section 2. The Common Council hereby determines that compliance by Arbonne International, LLC with the requirements of I.C. 6-1.1-12.1-4.5 regarding the submittal of a completed SB -1 / PP prior to the installation of new logistical distribution and information technology equipment should be, and is hereby, waived.

Section. 3. The Clerk-Treasurer is directed to mail a certified copy of this Resolution to Arbonne International, LLC, the Auditor of Johnson County, and the Indiana Department of Local Government Finance.

Section 4. This resolution shall be effective from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Greenwood, Indiana, this ____ day of _____, 200 ____.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Resolution adopted by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 2006, is presented by me this ____ day of _____, 2006, at ____ o’clock ____m. to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Resolution adopted by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2006, is approved by me this _____ day of _____,2006, at _____ o'clock _____.m.

Charles E. Henderson, Mayor
City of Greenwood, Indiana